

IN THE MATTER OF THE APPLICATION OF FRANCIS T. LEYDEN FOR A SPECIAL HEARING AND VARIANCE ON PROPERTY LOCATED 100' WEST OF THE END OF RETTMAN LANE, 1,028.62' NORTHWEST OF FLOOD ROAD (1903 RETTMAN LANE) 12TH ELECTION DISTRICT 7TH COUNCILMANIC DISTRICT

* BEFORE THE
* COUNTY BOARD OF APPEALS
* OF
* BALTIMORE COUNTY
* CASE NO. 91-423-SPHA

BACKGROUND

This case comes before the Board of Appeals from a decision of the Zoning Commissioner dated July 16, 1991 granting a petition for variance setback, and denying a special hearing for a 72-inch fence height.

Counsel for the Petitioner submitted to the Board a memorandum in support of Petition for Special Hearing specifying that the fence already erected (72 inches) is in full conformance with the area zoned for manufacturing (M.L.-I.M.). Counsel further asserted in his opening remarks that residential uses, such as the Protestant's home, are not allowed in M.L.-I.M. zones, and that such uses are illegal, or at best nonconforming. He further argued that Section 427 of the Baltimore County Zoning Regulations (hereinafter "BCZR") regulating fences applies to residential occupancy fences, and that the fence erected is not a residential occupancy fence but rather a fence in an industrial zone, and therefore not affected by Section 427.

Counsel for the Protestant countered this viewpoint by interpreting the wording of Section 427 to apply to regulating the height of fences between "residential dwellings," regardless of the zoning classification of the property upon which the dwelling

Case No. 91-423-SPHA Francis T. Leyden 2
exists.

TESTIMONY

Francis Leyden, Petitioner, testified as to the reasons he obtained a permit for an 8-foot fence to be erected around the perimeter of his commercial property of approximately 25 acres. As the owner of a recycling center, Mr. Leyden was complying with County requests to control recycled papers and other materials from blowing onto adjacent properties. He further testified to the need for greater security in prohibiting trespassing and vandalism, citing the destruction by fire of several small tenant structures on his property that were not related to the recycling business.

Central to the problem of security, Petitioner described a small parcel of his total acreage that lies adjacent to the property of the Protestant in this case. Petitioner explained that his son lives on this waterfront parcel where he also serves in the capacity of a watchman in the non-operating hours of the recycling process. It is at Petitioner's waterfront dwelling, in an M.L.-I.M. zone, that he erected a six to eight-foot security fence running the length of his property on the north side.

Protestant in this matter, William E. Dickerson, testified to his purchase of waterfront property in 1987 offering an unobstructed view of the waters of Lynch Cove. He pointed to the location of his residence as it fronted on the tributary of the Chesapeake Bay, with a large garage in the rear of the property. Entered as evidence, Protestant's Exhibit No. 17 was a Tax Assessment Notice classifying his property as "waterfront residential."

Case No. 91-423-SPHA Francis T. Leyden 3

Petitioner's fence, while erected along his rear yard property line, is so positioned to extend along the front yard property line of his neighbor, Mr. Dickerson, at a height of six to eight feet that obstructs his view. Counsel for the Protestant questioned the fence's function as a security measure, noting the absence of similar fencing on the opposite side of Petitioner's waterfront parcel. He further referred to photographs that show an eight-foot fence with a 0-foot setback on the Dickerson side of his front yard, yet a 42-inch fence on the other side of his front yard. With these inconsistencies, the Dickersons' only objection is the obstruction of their front yard view to Lynch Cove.

OPINION

The Board has reviewed the testimony and evidence presented, particularly the numerous photographs entered as exhibits. It is obvious that Mr. Leyden properly erected an eight-foot chainlink security fence around the perimeter of his property, zoned M.L.-I.M., addressed as 1911 Hydrangea Road on the permit. In applying the permit authorization to erect a six-foot wooden-plank fence on a small parcel of waterfront property at 1903 Rettman Lane, the Board considers the application of the permit to that site as unjustifiable.

Coupled with the Dickerson dwelling on one side, and other dwellings on surrounding properties, the location is a residential enclave, and in issues of fence erection, Petitioner's six-foot fence is in violation of Section 427 (BCZR) which states:

A residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another lot on which a resident has built....

Case No. 91-423-SPHA Francis T. Leyden 4

The Board finds the residential uses of the land, regardless of the zoning classification of the lots, the determining factor for application of Section 427 in this case.

Since Petitioner's rear yard property line, as drawn in yellow on Petitioner's Exhibit No. 9, is also the Dickerson front yard property line, in consideration of its obstruction to Protestant's view and violation of Section 427, the Board denies the Special Hearing for a 72-inch fence.

It is further noted that the erection of a fence on waterfront property situated within the Chesapeake Bay Critical Area must comply with the requirements of the Department of Environmental Protection & Resource Management (DEPRM). In this case the relief requested is in keeping with the general spirit and intent of the Critical Areas legislation for Baltimore County.

In order to grant an area variance, the Board is guided by Section 307.1 of the BCZR which states that a variance can be granted where strict compliance would result in practical difficulty or unreasonable hardship. Section 307.1 further mandates that any such variance shall be granted only in such matters as to grant relief "without substantial injury to public health, safety and general welfare."

Since the Protestants' primary concern is maintaining their open view of Lynch Cove, it appears that an alternative will satisfy the desires of both parties. As shown on Petitioner's Exhibit No. 9, the height of the fence on that length of the line in "yellow" could be reduced to provide an unobstructed view of Lynch Cove, while providing the security fence Petitioner desires.

Case No. 91-423-SPHA Francis T. Leyden 5

ORDER

IT IS THEREFORE this 3rd day of April, 1992 by the County Board of Appeals of Baltimore County

ORDERED that the Petition for Special Hearing to permit a 72-inch high wooden fence along the "yellow line" as drawn on Petitioner's Exhibit No. 9 is hereby DENIED; and it is further

ORDERED that Petitioner may maintain a 48-inch wooden fence along the "yellow line" as drawn on Petitioner's Exhibit No. 9, with the following conditions:

- 1) The Petitioner must see to the reduction of the height of the existing fence to 48 inches along the yellow line as drawn on Petitioner's Exhibit No. 9 on or before May 15, 1992; and
- 2) The Petitioner must maintain a maximum height of 48 inches from ground level at all points along his rear yard property line, as drawn in yellow on Petitioner's Exhibit No. 9.

Any appeal from this decision must be made in accordance with Rules B-1 through B-13 of the Maryland Rules of Procedure.

COUNTY BOARD OF APPEALS
OF BALTIMORE COUNTY

C. William Clark, Acting Chairman

Judson H. Lipowitz

Harry E. Buchheister, Jr.

IN THE MATTER OF FRANCIS T. LEYDEN 100' W of End of Rettman Lane 1028.62' NW of Flood Road (1903) Rettman Lane) 12th Election District 7th Councilmanic District

* BEFORE THE
* COUNTY BOARD OF APPEALS
* FOR BALTIMORE COUNTY

SPH-Approve 72" fence height
VAR-Setback

* Case No. 91-423-SPHA

SUBPOENA DUCES TECUM

Please issue a Subpoena for the following person to appear and testify before the County Board of Appeals for Baltimore County on Tuesday, March 17, 1992, at 1:00 p.m. to testify for the Protestants before the County Board of Appeals for Baltimore County, Hearing Room 48, Old Courthouse, 400 Washington Avenue, Towson, Maryland, 21204:

CRAIG MCGRAW, Inspector
Office of Zoning Enforcement
111 West Chesapeake Avenue
Towson, Maryland 21204

and to bring with him all files relative to the subject property and copies of any and all citations issued against the property owner for violations of the Baltimore County Zoning Regulations.

MICHAEL P. TANCZYN, ESQ.
Attorney for the Protestants
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
Telephone: (410) 296-8823

SHERIFF OF BALTIMORE COUNTY

IN THE MATTER OF THE PROPERT AT 1903 RETTMAN LANE- LEYDEN PROPERTY

* BEFORE THE
* ZONING COMMISSIONER
* OF BALTIMORE COUNTY
* Case No.: 91-423-SPHA

ORDER OF APPEAL

Please note that the Petitioner, F. THOMAS LEYDEN, appeals the decisions of the Zoning Commissioner dated July 17, 1991 and referenced decision of July 16, 1991, regarding his denial of the Petitioner's request for Special Hearing and Variances as requested by Petitioner to the Baltimore County Board of Appeals.

RECEIVED
AUG 16 1991

ZONING OFFICE

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 16 day of August, 1991, that a copy of the foregoing Order of Appeal was mailed, postage prepaid, to J. Robert Haines, Esquire, Zoning Commissioner for Baltimore County, 111 West Chesapeake Avenue, Towson, MD 21204, Michael P. Tanczyn, Esquire, Suite 106, 606

Baltimore Avenue, Towson, MD 21204, Attorney for the Dickersons and Board of Appeal, County Office Building, 111 West Chesapeake Avenue, Towson, MD 21204.

JOHN V. MURPHY, ESQUIRE

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353
June 3, 1991

John V. Murphy, Esquire
14 W. Rolling Road
Baltimore, MD 21228

RE: Item No. 402, Case No. 91-423-SPHA
Petitioner: Francis T. Leyden
Petition for Special Hearing and
Zoning Variance

Dear Mr. Murphy:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Francis T. Leyden
1903 Rettman Lane
Baltimore, MD 21222

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning
111 West Chesapeake Avenue
Towson, MD 21204
887-3353

Your petition has been received and accepted for filing this
1st day of May, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:
James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: Francis T. Leyden

Petitioner's Attorney: John V. Murphy

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner
DATE: May 10, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: Frank A. Cirincione, Item No. 385
Stanley Z. Steinberg, Item No. 392
John D. Ferencik, Item No. 396
Andrew F. David, Item No. 399
Richard J. Romano, Item No. 400
White Marsh Joint Venture, Item No. 401
Francis T. Leyden, Item No. 402
Charles A. Romano, Item No. 404
Dale J. Lohman, Item No. 405
T & G Partnership, Item No. 407
Westview Mall Association, Item No. 408
George Bromwell, Item No. 409
Hawley Rodgers, Item No. 412
Joseph Ruzza, Item No. 416
Ronald L. Morman, Item No. 418
Victor Khousami, Item No. 422

In reference to the Petitioners' request, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

VARIEDIT.EMS/ZAC1

received
5/12/91

BUREAU OF TRAFFIC ENGINEERING
DEPARTMENT OF PUBLIC WORKS
BALTIMORE COUNTY, MARYLAND

DATE: May 30, 1991

TO: Mr. J. Robert Haines
Zoning Commissioner
FROM: Rahee J. Famili
SUBJECT: Z.A.C. Comments

Z.A.C. MEETING DATE: April 30, 1991

This office has no comments for items number 385, 392, 393, 394, 395, 396, 398, 399, 400, 401, 402 and 404.

Rahee J. Famili
Rahee J. Famili
Traffic Engineer II

RJF/lvd

Baltimore County Government
Fire Department
700 East Joppa Road, Suite 901
Towson, MD 21204-5500
(301) 887-4500

MAY 1, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: FRANCIS T. LEYDEN
Location: #1903 RETTMAN LANE
Item No.: 402 Zoning Agenda: APRIL 30, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: *John J. Kelly* 5-1-91 Noted and Approved
Planning Group
Special Inspection Division
Fire Prevention Bureau

JK/KEK

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee
DATE: April 26, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for April 30, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 385, 392, 393, 396, 399, 400, 401, 402, 403 and 404.

For Items 347 (Case #91-374-A), 394 and 395, the previous County Review Group Meeting comments are still applicable.

For Item 397, a revised County Review Group Meeting is required.

For Item 398, a County Review Group Meeting is required.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:s

received
6/19/91

BALTIMORE COUNTY, MARYLAND
DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT
INTER-OFFICE CORRESPONDENCE

TO: Mr. J. Robert Haines
Zoning Commissioner
DATE: June 26, 1991

FROM: Mr. J. James Dieter, Director

SUBJECT: Petition for Zoning Variance - Item 402
Leyden Property
Chesapeake Bay Critical Area Findings

SITE LOCATION

The subject property is located at 1903 Rettman Lane. The site is within the Chesapeake Bay Critical Area and is classified as an Intensely Developed Area (IDA).

APPLICANT'S NAME Mr. Francis T. Leyden

APPLICANT PROPOSAL

The applicant has requested a variance and Special Hearing to allow a residential fence with a 0 foot setback with a height of 72 inches in lieu of the permitted 42 inches.

GOALS OF THE CHESAPEAKE BAY CRITICAL AREA PROGRAM

In accordance with the Chesapeake Bay Critical Area Program, all project approvals shall be based on a finding which assures that proposed projects are consistent with the following goals of the Critical Area Law:

1. "Minimize adverse impacts on water quality that result from pollutants that are discharged from structures or conveyances or that have runoff from surrounding lands;
2. Conserve fish, wildlife and plant habitat; and
3. Establish land use policies for development in the Chesapeake Bay Critical Area which accommodate growth and also address the fact that even if pollution is controlled, the number, movement, and activities of persons in that area can create adverse environmental impacts." <COMAR 14.15.10.01.D>

Memo to Mr. J. Robert Haines
June 26, 1991
Page 2

DEFINITIONS

"Development activities means the construction or substantial alteration of residential, commercial, industrial, institutional, or transportation facilities or structures." <COMAR 14.15.01.01.A(21)>.

REGULATIONS AND FINDINGS

Regulation: "New development and redevelopment within the IDA shall use Best Management Practices or other technology which reduces pollutant loading by ten percent of the on-site level prior to new development or redevelopment" <Baltimore County Code Section 22-216>.

Findings: The existing fence on this property was a permitted structure and is also not considered a "development activity" as defined above. Therefore, this project shall not need to reduce pollutant loadings by ten percent of the on-site level.

CONCLUSION

This proposal does not need to comply with Chesapeake Bay Critical Area Regulations. If there are any questions, please contact Mr. David C. Flowers at 887-2904.

J. James Dieter
J. James Dieter, Director

JJD:DCF:ju
Attachment

cc: The Honorable Vincent Gardina
The Honorable Donald Mason
Mr. Ronald B. Hickernell
Mr. John V. Murphy
Mr. Francis T. Leyden



141 West Chesapeake Avenue
Towson, MD 21204

September 10, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
Towson, Maryland 21204

RE: Petition for Special Hearing and Zoning Variance
100' W of the end of Rettman Lane, 1,028.62' NW of Flood Road
(1903 Rettman Lane)
12th Election District, 7th Councilmanic District
FRANCIS T. LEYDEN - Petitioner
Case No. 91-423-SPHA

Dear Board:

Please be advised that an appeal of the above-referenced case was filed in this office on August 16, 1991 by John V. Murphy, Attorney on behalf of the Petitioner. All materials relative to the case are being forwarded herewith.

Please notify all parties to the case of the date and time of the appeal hearing when it has been scheduled. If you have any questions concerning this matter, please do not hesitate to contact this office.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner

JRH:cer

Enclosures

cc: Francis T. Leyden, 1903 Rettman Lane, Balto., MD 21222

John V. Murphy, Esquire -
14 North Rolling Road, Catonsville, MD 21228

Mr. & Mrs. William Dickerson - 1901 Rettman Ln., Balto., MD 21222

Michael P. Tanczyn, Esquire -
Suite 106, 606 Baltimore Avenue, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

File

APPEAL

Petition for Special Hearing and Zoning Variance
100' W of the end of Rettman Lane, 1,028.62' NW of Flood Road
(1903 Rettman Lane)
12th Election District - 7th Councilmanic District
FRANCIS T. LEYDEN - Petitioner
Case No. 91-423-SPHA

Petitions for Special Hearing and Zoning Variance

Description of Property

Certificate of Posting

Certificate of Publication

Entry of Appearance of People's Counsel (None submitted)

Zoning Plans Advisory Committee Comments

Director of Planning & Zoning Comments (Included in ZAC comments)

Petitioner's Exhibits: 1. Plat to accompany Petitions

2. 200' scale zoning map

3. Photographs

6. Copy of Building Permit

7. Copy of Permit

Protestant's Exhibits: 1. Copy of Stop Work Order

2. Backside of Stop Work Order

3. Request for assistance

4. Copy of letter from Leo Lubow

6. Survey Plat

7. - 15. Photos of fence

16. 1000' scale zoning map

Zoning Commissioner's Order dated July 16, 1991 (Granted in part;
Denied in part)

Zoning Commissioner's Amended Order dated July 17, 1991 (corrections)

Notice of Appeal received August 16, 1991 from John V. Murphy, Attorney
on behalf of the Petitioner.

cc: Francis T. Leyden, 1903 Rettman Lane, Balto., MD 21222

John V. Murphy, Esquire -
14 North Rolling Road, Catonsville, MD 21228

Mr. & Mrs. William Dickerson - 1901 Rettman Ln., Balto., MD 21222

Appeal Checklist - Case No. 91-423-SPHA
FRANCIS T. LEYDEN - Petitioner
September 10, 1991
Page 2

Michael P. Tanczyn, Esquire -
Suite 106, 606 Baltimore Avenue, Towson, MD 21204

People's Counsel of Baltimore County
Rm. 304, County Office Bldg., Towson, Md. 21204

Request Notification: P. David Fields, Director of Planning & Zoning
Patrick Keller, Office of Planning & Zoning
J. Robert Haines, Zoning Commissioner
Ann M. Nastarowicz, Deputy Zoning Commissioner
James E. Dyer, Zoning Supervisor
W. Carl Richards, Jr., Zoning Coordinator
Docket Clerk
Arnold Jablon, Chief Deputy County Attorney
Public Services



County Board of Appeals of Baltimore County

COUNTY OFFICE BUILDING, ROOM 315
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
OLD COURTHOUSE
400 WASHINGTON AVE.
JANUARY 13, 1992

NOTICE OF ASSIGNMENT

NO POSTPONEMENTS WILL BE GRANTED WITHOUT GOOD AND
SUFFICIENT REASONS. REQUESTS FOR POSTPONEMENTS MUST BE
IN WRITING AND IN STRICT COMPLIANCE WITH RULE 2(b). NO
POSTPONEMENTS WILL BE GRANTED WITHIN FIFTEEN (15) DAYS OF
SCHEDULED HEARING DATE UNLESS IN FULL COMPLIANCE WITH
RULE 2(c), COUNTY COUNCIL BILL NO. 59-79.

CASE NO. 91-423-SPHA FRANCIS T. LEYDEN
100' W of end of Rettman Lane,
1028.62' NW of Flood Rd.
(1903 Rettman Lane)
12th Election District;
7th Councilmanic District
SPH-approve 72" fence height;
VAR-setback
7/16/91 - Z.C.'s Order GRANTING
in part; DENYING in part.

ASSIGNED FOR: TUESDAY, MARCH 17, 1992 AT 1:00 p.m.

cc: Francis T. Leyden - Petitioner

John V. Murphy, Esquire - Counsel for Petitioner

Mr. and Mrs. William Dickerson

Michael P. Tanczyn, Esquire

People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of Zoning
Administration

LindaLee M. Kuszmaul
Legal Secretary

CRITICAL AREA

BALTIMORE COUNTY, MARYLAND

Inter-Office Correspondence

91-423-SPHA

TO: Zoning Commissioner &/or
Deputy Zoning Commissioner

DATE: April 19, 1991

FROM: John J. Sullivan
Planner II

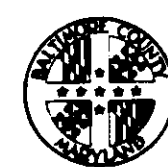
SUBJECT: Memo to File

Memo To File

Item #402

Petitioner: F. Thomas Leyden
1903 Rettman Lane

John Murphy, Esq. filed today on behalf of his client, F. Thomas
Leyden. Mr. Murphy wished to pay the commercial special hearing filing
fee as his position is that the property and fence are commercial.
However, for the variance fee, Mr. Murphy paid the residential fee as
the variance petition would only be needed if his special hearing
petition was denied.



County Board of Appeals of Baltimore County

OLD COURTHOUSE, ROOM 49
400 WASHINGTON AVENUE
TOWSON, MARYLAND 21204
(410) 887-3180

April 3, 1992

John V. Murphy, Esquire
14 N. Rolling Road
Catonsville, MD 21228

RE: Case No. 91-423-SPHA
Francis T. Leyden

Dear Mr. Murphy:

Enclosed please find a copy of the final Opinion and Order
issued this date by the County Board of Appeals of Baltimore County
in the subject matter.

Sincerely,

Kathleen C. Weidenhammer
Kathleen C. Weidenhammer
Administrative Assistant

encl.

cc: Michael P. Tanczyn, Esquire
Mr. Francis T. Leyden
Mr. & Mrs. William Dickerson
P. David Fields
Lawrence E. Schmidt
Timothy M. Kotroco
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon, Director of
Zoning Administration

RECEIVED
APR 3 1992
ZONING OFFICE

1/13/92 - Following parties notified of hearing set for March 17,
1992 at 1:00 p.m.:

Francis T. Leyden
John V. Murphy, Esquire
Mr. and Mrs. William Dickerson
Michael P. Tanczyn, Esquire
People's Counsel for Baltimore County
P. David Fields
Pat Keller
Public Services
Lawrence E. Schmidt
Timothy M. Kotroco
James E. Dyer
W. Carl Richards, Jr.
Docket Clerk - Zoning
Arnold Jablon



HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401-1991

LOUIS L. DEPAZZO
7TH LEGISLATIVE DISTRICT
COMMITTEE
Ways
and
Means

June 6, 1991

Michael P. Tanczyn
606 Baltimore Avenue
Towson, MD 21204

Dear Mike:

This is to confirm our telephone conversation
whereas I advised you that I am very concerned about
Case Number 91-423-SPHA.

The requested variance makes absolutely no sense,
severs no useful purpose and is completely contrary
to the fundamental purpose of zoning concepts.

Additionally, it would set a damaging precedent
along waterfront properties whose views are certainly
to be protected in the best interest of Baltimore
County.

Very truly yours,

Louis L. DePazzo
Louis L. DePazzo
Delegate, 7th District
Baltimore County

LLD:gsb

BALTIMORE OFFICE:
38 SOUTH DUNDALK AVENUE
BALTIMORE, MARYLAND 21222
BUSINESS PHONE 288-9303
HOME:
1818 TYLER ROAD
BALTIMORE, MARYLAND 21222
PHONE 285-1866
ANNAPOLIS 841-3334

LAW OFFICES OF
JOHN V. MURPHY, ESQUIRE
14 N. ROLLING ROAD
CATONSVILLE, MD 21228
301 744 4967
301 744 5025

August 16, 1991

FAX: 744-8936

J. Robert Haines
Zoning Commissioner
for Baltimore County
111 West Chesapeake Avenue
Towson, MD 21204

RE: Property at 1903 Rettman Lane
Case No.: 91-423-SPHA
Request for Special Hearing,
Variance

Dear Mr. Haines:

Please find attached an Order of Appeal for the above referenced case for filing with the Zoning Commission. Also attached is our check in the amount of \$275.00 for filing fee.

Thank you for your attention to this matter.

Very truly yours,

John V. Murphy

JVM/tmh

Enclosure

cc: Board of Appeals
Baltimore County
Michael Tanczyn, Esq.

RECEIVED
AUG 16 1991
ZONING OFFICE

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(410) 296-8823 • (410) 296-8824
Fax: (410) 296-8827

May 13, 1992

Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

Re: Francis T. Leyden
Case Number 91-423-SPHA

Dear Sir:

I am in receipt of a letter from the County Board of Appeals for Baltimore County dated May 4, 1992 indicating that, since no further appeals have been taken in the above matter, the file is being returned to your office along with the exhibits.

The purpose of this letter is to request that I be allowed to retrieve from that file the exhibits submitted on behalf of my clients, the protestants.

Your consideration of this request is appreciated.

Very truly yours,

Michael P. Tanczyn

MPT/ed

RECEIVED
MAY 14 1992
ZONING OFFICE

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 (301) 296-8824
FAX (301) 296-8827

June 7, 1991

Honorable J. Robert Haines
Baltimore County Zoning Commissioner
111 West Chesapeake Avenue
Towson, MD 21204

Re: Francis T. Leyden, Petitioner
Case Number 91-423-SPHA

Dear Mr. Haines:

I have previously entered my appearance in the above matter on behalf of William E. Dickerson, 3rd and Jan A. Dickerson, his wife, as Protestants, who reside at 1901 Rettman Lane adjacent to the property which is the subject to this Petition and who oppose both Petitions.

The purpose of this letter is to enclose a letter from the Honorable Louis L. DePazzo, Delegate, 7th District of Baltimore County, wherein the property is located, stating his opposition to this request for inclusion in your file. I understand that Delegate DePazzo may not be available at the time scheduled for hearing due to a conflict in his schedule, but he wanted to express his concern about these Petitions through this letter.

If there is some problem in placing this in your file, please let me know and I will advise Delegate DePazzo so that he can send the letter directly addressed to you, if necessary.

Thank you very much for your inclusion of his letter in your zoning file.

Very truly yours,

Michael P. Tanczyn

MPT/ed
Enclosure

cc: John V. Murphy, Esq.
Honorable Louis L. DePazzo
Mr. and Mrs. William E. Dickerson, III

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 (301) 296-8824
FAX (301) 296-8827

June 7, 1991

Zoning Commissioner's Office
111 West Chesapeake Avenue
Towson, MD 21204

Re: Francis T. Leyden, Petitioner
Case Number 91-423-SPHA

Gentlemen:

Please enter my appearance in the above matter on behalf of William E. Dickerson, 3rd and Jan A. Dickerson, his wife, as Protestants, and advise this office of any hearing dates scheduled in this case.

Very truly yours,

Michael P. Tanczyn

MPT/ed

cc: John V. Murphy, Esq.
Mr. and Mrs. William E. Dickerson 3rd

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 • (301) 296-8824
Fax: (301) 296-8827

August 8, 1991

Arnold Jablon, Zoning Administrator
County Office Building
111 West Chesapeake Avenue
Towson, MD 21204

Re: Francis T. Leyden, Petitioner
Case Number 91-423-SPHA

Dear Mr. Jablon:

In the hearing of the above matter I represented the protestants, who have asked that I obtain a copy of the tape of that hearing.

Pursuant to the suggestion of Ms. Stevens, enclosed is my check in the amount of \$15.00 which I understand would be the cost if it is contained on one tape. If there is an additional charge, please contact me and we will be happy to forward any additional funds which may be required.

Thank you very much for your attention to this matter.

Very truly yours,

Michael P. Tanczyn

MPT/ed
Enclosure

cc: Mr. & Mrs. William E. Dickerson, III

Law Offices
Michael P. Tanczyn, P.A.
Suite 106, 606 Baltimore Avenue
Towson, Maryland 21204
(301) 296-8823 • (301) 296-8824
Fax: (301) 296-8827

December 3, 1991

Baltimore County Board of Appeals
County Office Building, Room 315
111 West Chesapeake Avenue
Towson, MD 21204

Re: Appeal of Francis T. Leyden
Case Number 91-423-SPHA

Dear Mr. Chairman:

As attorney for the Protestants, Mr. and Mrs. Dickerson, the adjacent property owners, I am writing because to this time we have not received any hearing date for the above case, which was appealed August 16, 1991 by John Murphy on behalf of the petitioner, Mr. Leyden. If a hearing date has been set, please let us know as to this time we have received no such notice.

Very truly yours,

Michael P. Tanczyn

MPT/ed

cc: John V. Murphy, Esq.
People's Counsel of Baltimore County
Mr. and Mrs. William E. Dickerson III

MICHAEL P. TANCZYN, P.A.
606 BALTIMORE AVENUE, SUITE 106
TOWSON, MARYLAND 21204 (301) 296-8823

DATE: 2/21/92

TO: County Board of Appeals

SUBJECT: Francis T. Leyden

Old Courthouse

Case Number 91-423-SPHA

Towson, MD 21204

Gentlemen:

Enclosed please find a Subpoena Duces Tecum to be issued in the above matter for Craig McGraw, an Inspector with the Office of Zoning Enforcement. The hearing in this matter is presently scheduled for Tuesday, March 17, 1992, at 1:00 p.m.

SIGNED: MICHAEL P. TANCZYN, ESQ.

Sarah Peters, Pres.

John Huth, Vice Pres.

Bill Hoffman, Vice Pres.

Stansbury Shores
IMPROVEMENT ASSOCIATION

June 20, 1991

Honorable J. Robert Haines, Commissioner
Baltimore County Government
Office of Planning & Zoning
111 West Chesapeake Avenue
Towson, MD 21204

Re: Francis T. Leyden, Petitioner
Case #91-423-SPHA

Dear Mr. Haines:

In reference to the above zoning hearing to be held on June 25, 1991 for a zero setback fence of 72 inches at 1903 Rettman Lane, let this letter stand as our opposition to the granting of this variance.

It has come to our attention, that this fence, once several different height measurements are taken along its' length, appears to be well above an average height of 72 inches. You may also note that the original permit obtained to erect this fence lists the address as 1935 Rettman Lane, (a commercial business), and not the actual site, a residential waterfront home on 1903 Rettman Lane. Although we are zoned light industrial, our 1991 assessments read waterfront residential.

In the past, our Community Association has opposed Mr. Leyden's plans for industrial expansion in our neighborhood, and we fear that approval of this variance constitutes Baltimore County's approval of a spite fence to prove that there are ways to retaliate for our apparent ability to hinder or delay his plans for industrial expansion.

We, as a community, also believe that approval of a fence of this height would set a precedent in our waterfront community that would open the door for many more such fences when neighbors have differences and minor battles. This we feel would not be aesthetically appealing and would impede the view of Lynch Cove.

P.O. Box 9044
Dundalk, MD
21222-0744



BALTIMORE COUNTY MARYLAND
DEPARTMENT OF PERMITS AND LICENSES
TOWSON, MARYLAND 21204

J. P. King
BUILDINGS ENGINEER

BUILDING PERMIT

PERMIT #: 8052574 CONTROL #: MC DIST: 12 PREC: 13
DATE ISSUED: 04/17/90 TAX ACCOUNT #: 1213042252 CLASS: 07

PLANS: CONST. PLOT: 1 R FLAT DATA ELEC NO PLUM NO
LOCATION: 1919 HYDRANGEA RD
SUBDIVISION: 20.7084 AC BS

OWNERS INFORMATION
NAME: LEYDEN, FRANCIS
ADDR: 1919 HYDRANGEA RD BALTO, MD 21222

TENANT:
CONTR: OWNER
ENGR: SELLER

WORK: ERECT 8' HIGH CHAIN LINK FENCE AND WOODEN
FENCE AROUND PROPERTY + 350' FENCE WITH
GATE FOR STORAGE AREA. PROPERTY ASSESSED AS
RESIDENTIAL BUT USED FOR COMMERCIAL. CANNOT
FENCE WALKWAY EASEMENTS.

BLDG. CODE: BOCA CODE OWNERSHIP: PRIVATELY OWNED
RESIDENTIAL CATEGORY:

ESTIMATED \$ PROPOSED USE: PLANT & FENCE
2400 EXISTING USE: PACKAGING PLANT

TYPE OF IMPRV: NEW BUILDING CONSTRUCTION

USE: FENCE
FOUNDATION: BASEMENT:
SEWAGE: PUBLIC EXIST WATER: PUBLIC EXIST

LOT SIZE AND SETBACKS

SIZE: 000/000X000/000
FRONT STREET:
SIDE STREET:
FRONT SETB: 10
SIDE SETB: 10/10
SIDE STR SETB:
REAR SETB: 10

**PETITIONER'S
EXHIBIT 6**

PLEASE REFER TO PERMIT NUMBER WHEN MAKING INQUIRIES.

DP 3
1/79



County Executive
Dennis P. Rasmussen

91-4235PHA

Permit

NOTE: A SEPARATE PERMIT IS REQUIRED FOR ALL ELECTRICAL & PLUMBING
WORK WHICH MUST BE DONE BY AN ELECTRICIAN OR PLUMBER
LICENSED IN BALTIMORE COUNTY.

PERMIT
BALTIMORE COUNTY, MARYLAND
OFFICE OF THE BUILDING ENGINEER
TOWSON, MARYLAND 21204

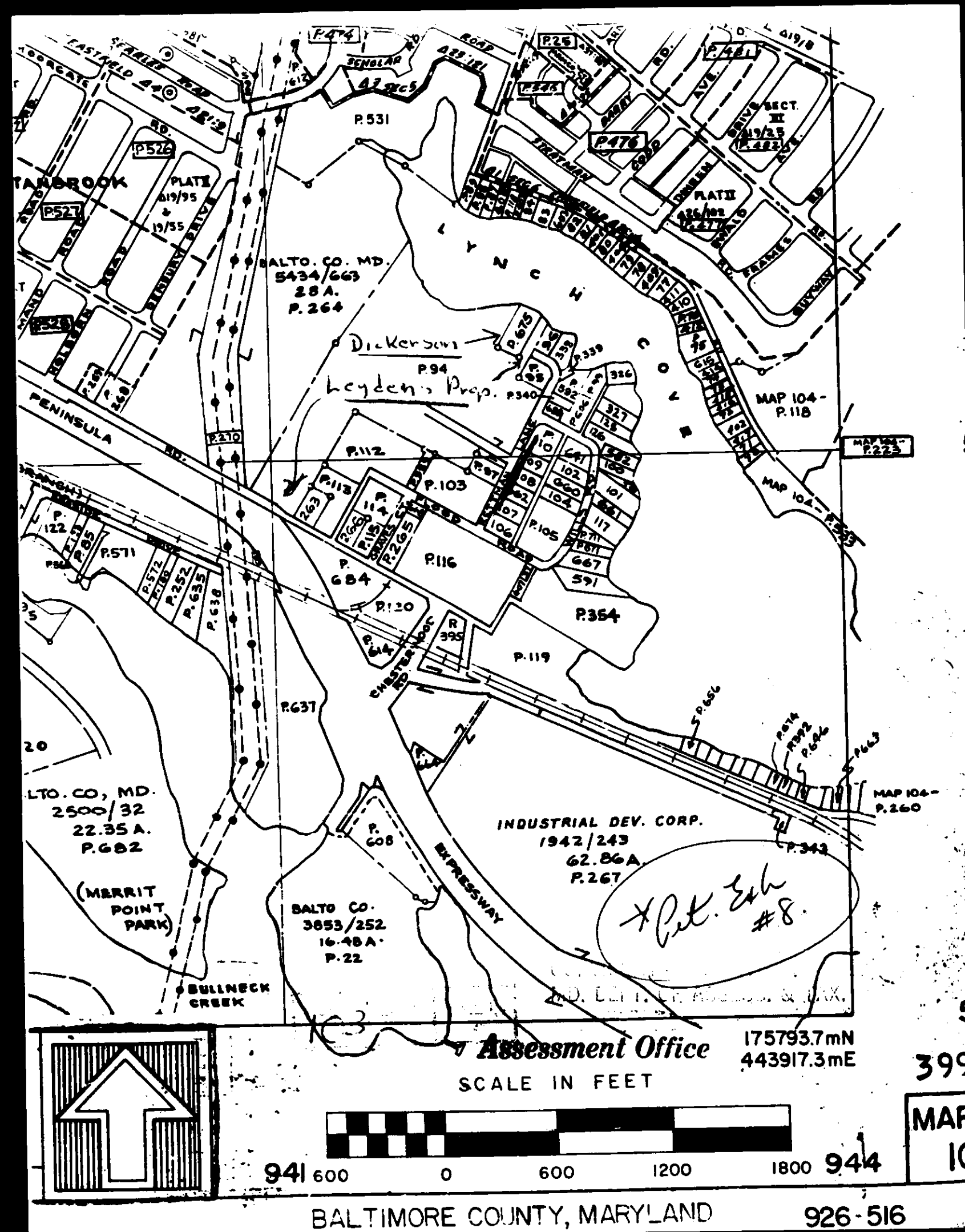
Building Address: 1919 Hydrangea Rd
Owner's Name: Francis T. Leyden
Building Address of Owner: 1919 Hydrangea Rd - 21222
Building Construction: Owner
Type of Improvement: 8' high chain link fence around entire property + 350' length 8' fence with gate for storage area. Property used as commercial packaging plant assessed as residential.

**PETITIONER'S
EXHIBIT 7**

White-Permit Green-Inspector, Canary-Assessments
IMPROVED: ☒ CLASS: 04
DATE: 4-17-90

THIS PERMIT MUST BE POSTED

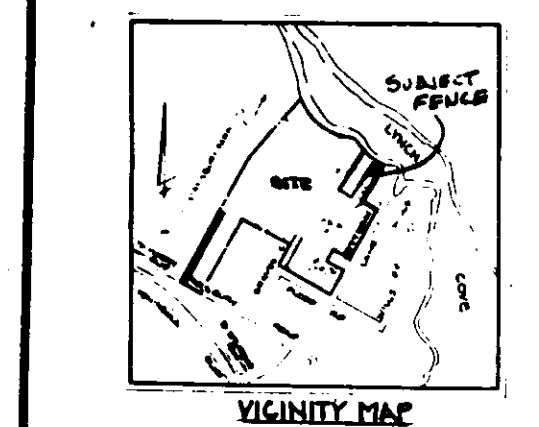
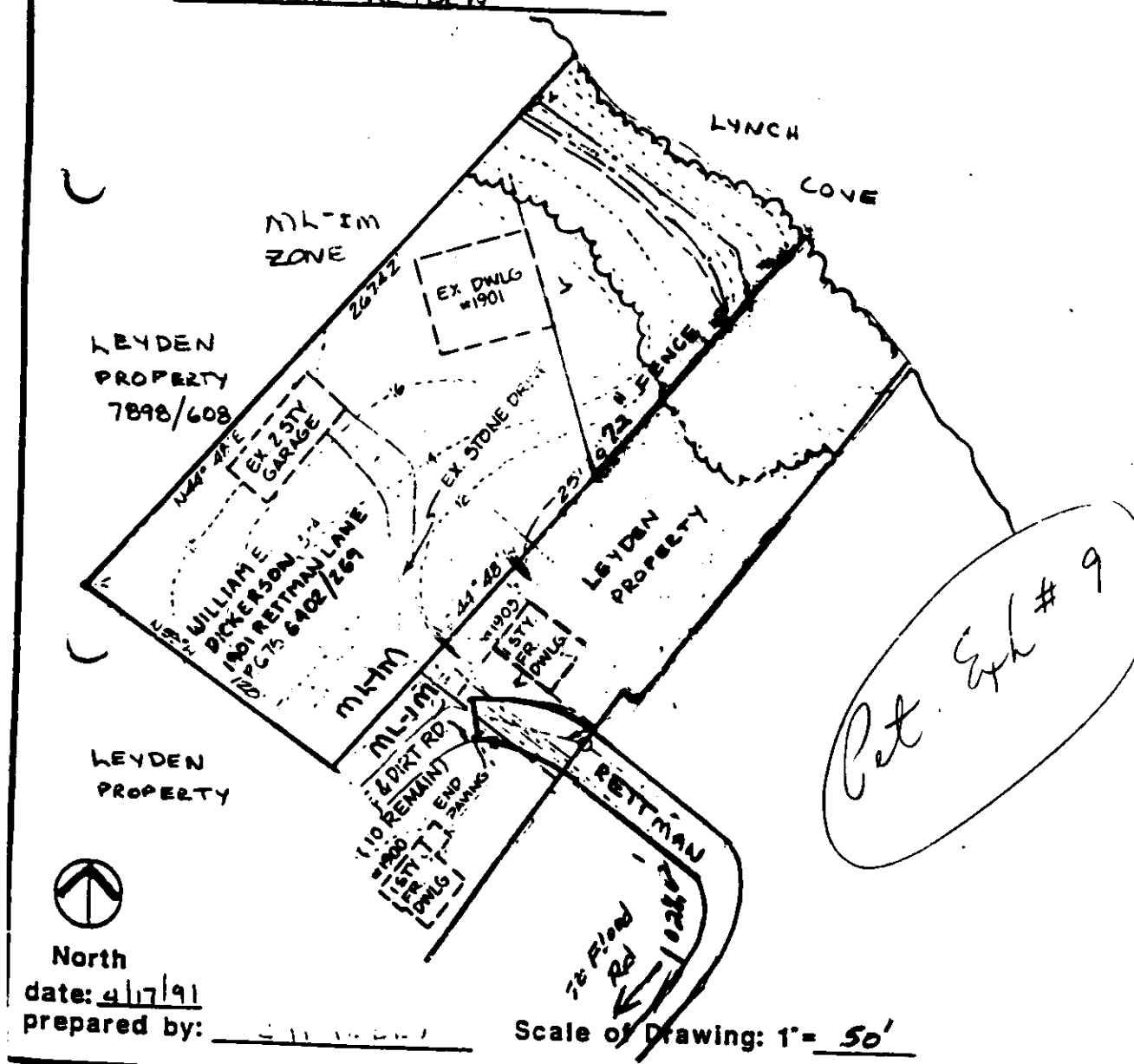
SEE OTHER SIDE FOR INSPECTIONS



Plat to accompany Petition for Zoning Variance Special Hearing

PROPERTY ADDRESS: 1903 RETTMAN LANE DUDELY RD see pages 8 & 9 of the CHECKLIST for additional required information
Subdivision name: 116 LIBER 4333 P. 605
Plat book: follow, lot# sections

OWNER: T. T. HOWARD LEYDEN



Vicinity Map
Scale: 1"=1000'

LOCATION INFORMATION

Councilmanic District: 7
Election District: 12
1"=200' scale map: SE, 4-F
Zoning: RM L-1-M
Lot size: 20.81 acres
Sewer: ☒
Water: ☒
Chesapeake Bay Critical Area: ☒
Prior Zoning Hearings: NONE

Zoning Office USE ONLY!

reviewed by: ITEM #: CASE#



BALTIMORE COUNTY, MARYLAND
Office of the Buildings Engineer
JOB LOCATED AT: 1903 Rettmann Lane
DISTRICT: 12 PCT: 13
PERMIT NO: 8052574
Notice No. G-002873
STOP WORK ORDER
I HAVE THIS DAY INSPECTED THIS STRUCTURE AND THESE PREMISES
AND HAVE FOUND THE FOLLOWING VIOLATIONS OF THE LAWS OF
BALTIMORE COUNTY CODE 10-11.1 SEC. 411
YOU ARE HEREBY NOTIFIED THAT ALL WORK BEING PERFORMED AT
THIS LOCATION SHALL IMMEDIATELY STOP, WITH THE EXCEPTION OF
WHICH IS TO CORRECT UNSAFE CONDITIONS, FAILURE TO COMPLY WITH
STIPULATES A VIOLATION OF COUNTY LAW. THE CORRECTIONS MUST BE
COMPLETED NOT LATER THAN DATE: 4-17-90
AN INVESTIGATION FEE WILL BE CHARGED: YES NO
DATE: 4-17-90 SIGNED INSPECTOR: J. P. King
ALL CORRECTIONS COMPLETE AND APPROVED
DATE: SIGNED INSPECTOR:
DO NOT REMOVE THIS TAG

**PROTESTANT'S
EXHIBIT 1**

91-4235PHA

Permit Obtained
B-052574 issued 4-17-90
Case Closed
4-17-90
J. P. King

**PROTESTANT'S
EXHIBIT 2**

91-4235PHA

Request for Assistance

Date: 4/11/90
CITIZEN INFORMATION
Name: Jan Dickerson
Address: 1901 Rettmann Lane 21222
B. Insp.
RFA# 90-1764
Suspense Date: 4/18/90
Dist: Co. 7 Elec. 12
Telephone: 393-3702-w
283-5921-n
Form Initiated By: Betty/GF

PROBLEM 6' privacy fence -- no permit -- @ 1903 Rettmann Lane

CITIZEN CONTACT

Date:
Contact By:

AGENCY ACTION

Stop Work 6002873 BOCA 111.0 (4-15-90)
Must file for permit to install privacy
fence on side of property.

**91-4235PHA
PROTESTANT'S
EXHIBIT 3**

4-13-90
Completed By: J. P. King

FINAL DISPOSITION

Date:
DCA Staff Person:

Division of Citizens Assistance

LAW OFFICES
LEO HOWARD LUBOW
117 WATER STREET
BALTIMORE, MARYLAND 21202
OO1-576-9000
TELECOPIER OO1-576-0140

12 January 1990

Dear Mr. Murphy:
Thank you for your letter dated 20 December 1989. As to the
variance between the two surveys, the Dickersons would like to
know whether your client will accept as valid the survey of S.J.
Martinet & Company. Additionally, as to the fence which crosses
the properties of our clients, the Dickersons (1) wish to be
assured that that portion of the fence on their property forever
remain undisturbed, and (2) request that should your client ever
decide to take down that portion of the fence which is on your
client's property, that the Dickersons be given the courtesy of
prior notice.

I look forward to hearing from you in regard to the above
requests.

Very truly yours,
LHL
Leo Howard Lubow

LHL/tmr
cc: Mr. and Mrs. William Dickerson

**PROTESTANT'S
EXHIBIT 4**

91-4235PHA

LAW OFFICES OF
JOHN V. MURPHY, ESQUIRE

14 N. ROLLING ROAD
CATONSVILLE, MD 21228
301-744-4967
301-744-5025

December 20, 1989

Leo H. Lubrow, Esquire
Suite 600
117 Water Street
Baltimore, Maryland 21202

RE: Dickerson v. Owl Corporation

Dear Mr. Lubrow:

I understand that your surveyor has completed its survey of your client's property and that there is nearly perfect agreement between the work done by our surveyor Kidde Consultants and your surveyor. I understand the only difference is that Kidde Consultants was slightly more generous to your client in regard to the location of the line. I believe this settles the controversy between our respective clients. If this is the case, please let me know so I may close my file.

Thank you for your cooperation in this matter and in arriving at an amicable settlement in this regard.

Very truly yours,

John V. Murphy
John V. Murphy

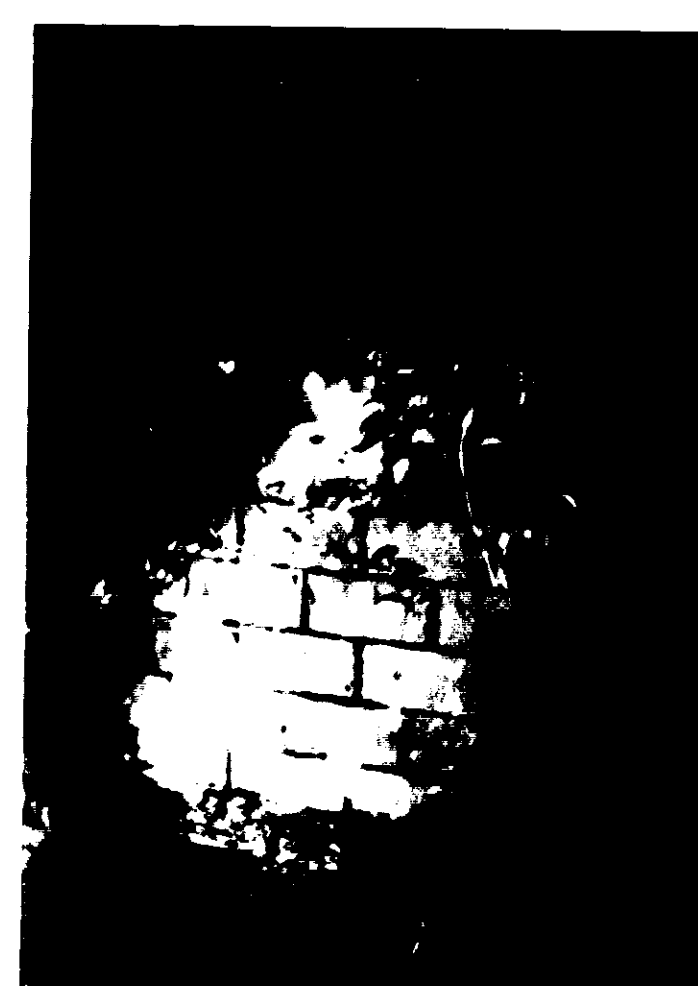
JVM/cvc
cc: Tom Leyden

PROTESTANT'S
EXHIBIT 5

91-4235PHA

VIEW BEFORE THE FENCE WAS ERECTED FROM THE FRONT YARD OF THE DICKERSONS IN THE FALL AND WINTER OF 1989:

*Protestant
Exhibit 7*



*Protestant's
Exhibit 11*

VIEW AFTER THE FENCE WAS ERECTED FROM THE DICKERSON PROPERTY:

*Protestant's
Exhibit 8*



PANORAMA FROM THE DICKERSONS' DRIVEWAY LOOKING TOWARD THE RESIDENCE AT 1903 RETTHAN LANE, INCLUDING THE BACK VIEW SHOWING THE REAR OF THE RESIDENCE, THE PIER, AND THE BOAT:



*Protestant's
Exhibit 12*



FENCE FROM BACK TO FRONT:



*Protestant's
Exhibit 9*



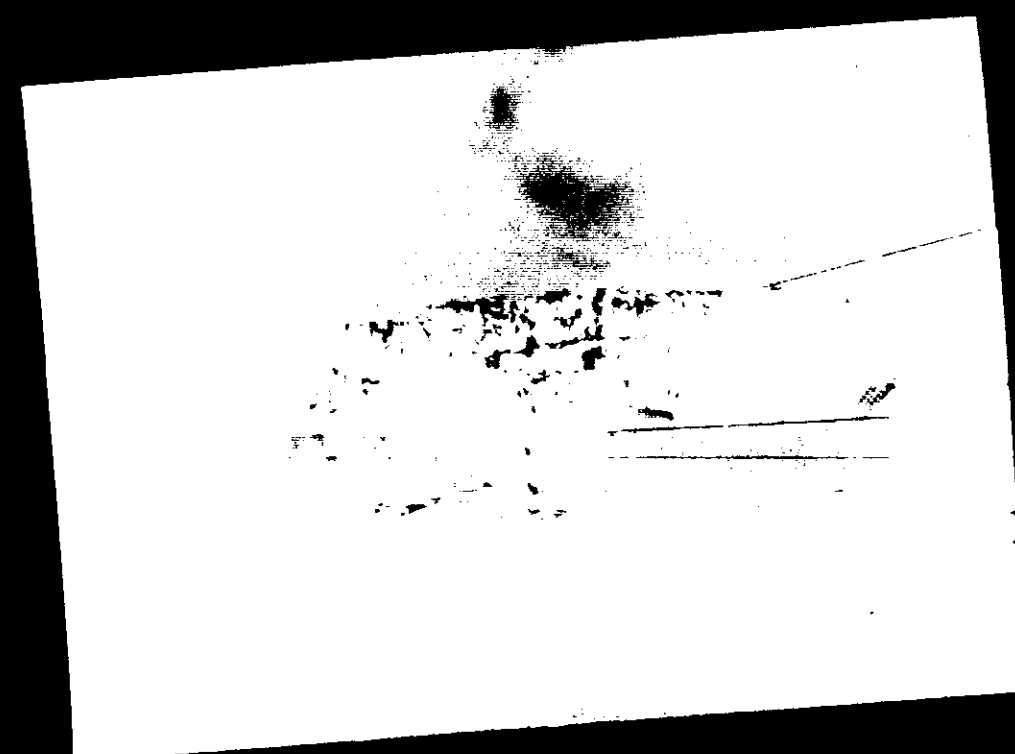
*Protestant's
Exhibit 13*



*Protestant's
Exhibit 10*

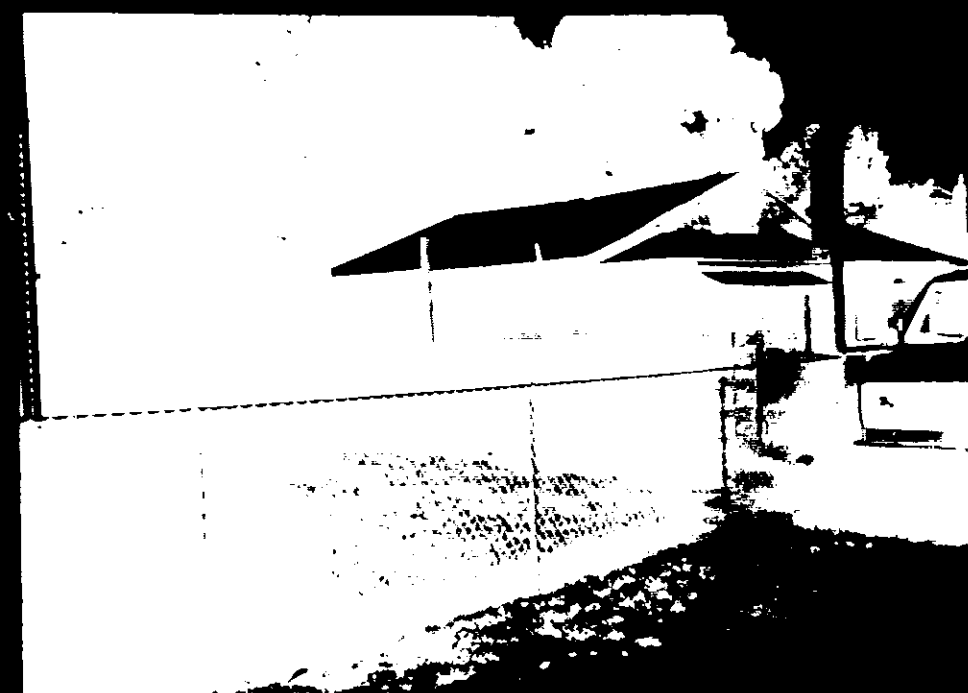


Protestants
Exhibit 14



Ret 2xh. 19
91-423SPHA

RESIDENCE TO THE RIGHT OF 1903 RETTMAN LANE WITH THE CUT-OUT IN THE FENCE:



Protestante
Exhibit 15

State of Maryland
Department of Assessments and Taxation

Baltimore County Office
The Jefferson Bldg., Suite 200
105 West Chesapeake Avenue
Towson, Maryland 21204
(301) 321-2380

Assessment Notice
(This is Not A Tax Bill)

Assessment Notice
(This Is Not A Tax Bill)

PROPERTY OWNER'S COPY			DATE OF NOTICE MONTH DAY YEAR 12 1 1996	
NO.				
DISTRICT	PROPERTY NUMBER	CARD NUMBER		
1	1	11111		
PROPERTY DESCRIPTION (LOCATION)				
IMPROVEMENT LOCATION			LOT	BLOCK (SECT) PLAT
			CLASSIFICATION	
			CATEGORY (BEST USE)	

State law requires that all real property be revalued at least every three years. The property described above has been reviewed to determine the new market value effective 1/1/13. This appraisal of the market value is based upon market data available prior to this date. The old and new market values of your property are:

1/1/17-12/31/17. This appraisal of the market value is based upon market data available prior to this date. The old and new market values of your property are:

Old Market Value	\$ 17,773	\$ 17,773	\$ 17,773
Land		Buildings, Other	Total
New Market Value	\$ 17,773	\$ 17,773	\$ 17,773
Land		Buildings, Other	Total

To lessen the impact of increases in value, State law provides that any increase in the new market value over the old market value be phased in over the next 3 years in equal amounts. Your phased-in new market value for the next three taxable years is:

Phased-In Market Value	1992	1993	1994
\$	181,437	184,777	130,120

An assessment is that portion of the market value that is used to calculate property taxes. Your old assessment was \$. Your new assessment is 40% of the phased-in new market value (50% if valued as agricultural use):

Phased-In Assessment \$ 100,000 \$ 100,000 \$ 52,940
1991 1992 1993

State Homestead Tax Credit State law provides that *homeowners who qualify* will be taxed on no more than a 10% annual assessment increase on the home and homestead for the *State property tax*. Your taxable assessment for State purposes is:

S 40,570 S 0.00 S 57,000
 1991 1992 1993

Local Homestead Tax Credit The assessment used to calculate county and municipal property taxes may be less than the above taxable assessment if your local government has established a limit of less than 10%.

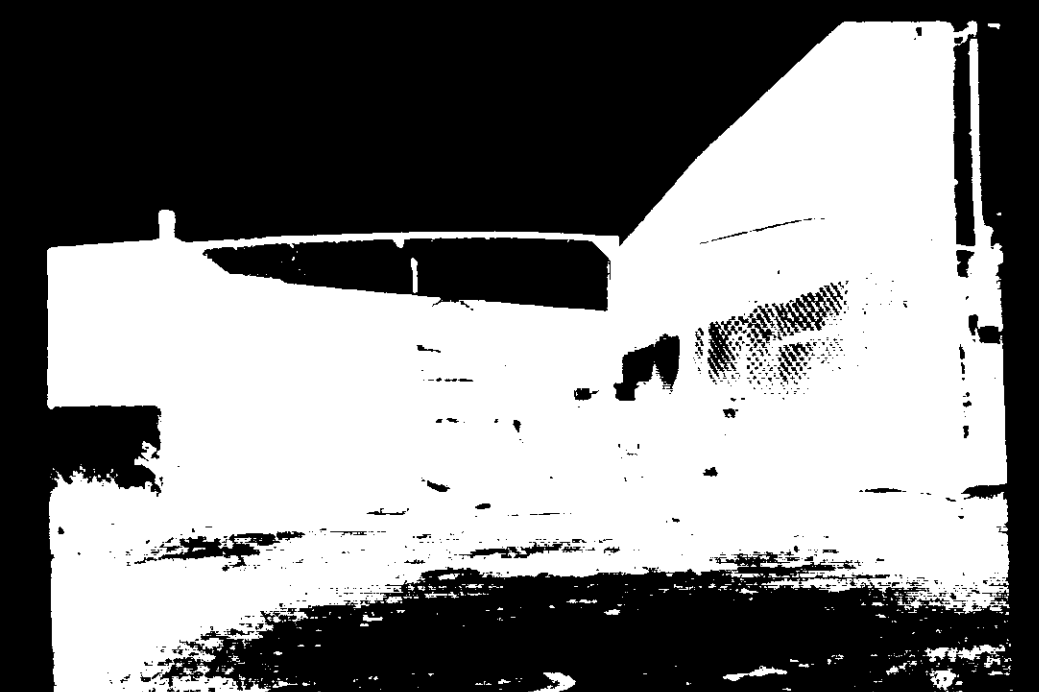
Your Appeal Rights

75 40465
DICKERSON, WILLIAM EDWARD, SRD
DICKERSON, JAN A
STAN LA
MONTGOMERY, PA 21222

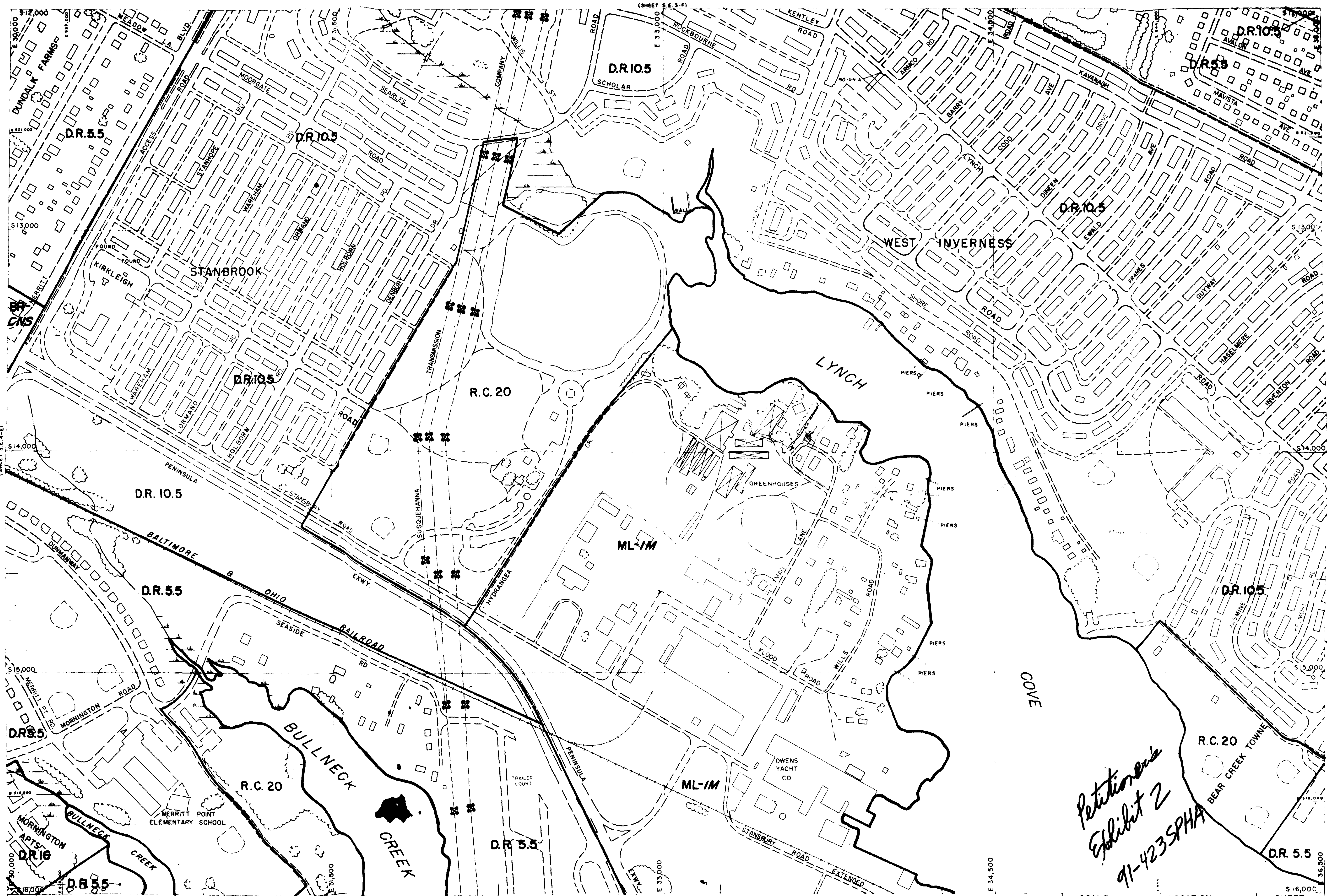
AT2-52

Prot. Sch #17

OWL CORPORATION RECYCLING CENTER SHOWING PONDED WATER IN AN UNFENCED AREA, OTHER PACKAGED PAPER WASTE, AND DEAD RATS IN THE ROAD:



9-12-18
11-12-18



Petitioner's Exhibit 2
 91-423SPHA

F-SE E-SW

1983 COMPREHENSIVE ZONING MAP
 Adopted by the Baltimore County Council
 On 13, 1983

Bill Nos. 144-88, 143-88, 146-88, 147-88, 148-88, 149-88, 150-88

Chairman, County Council

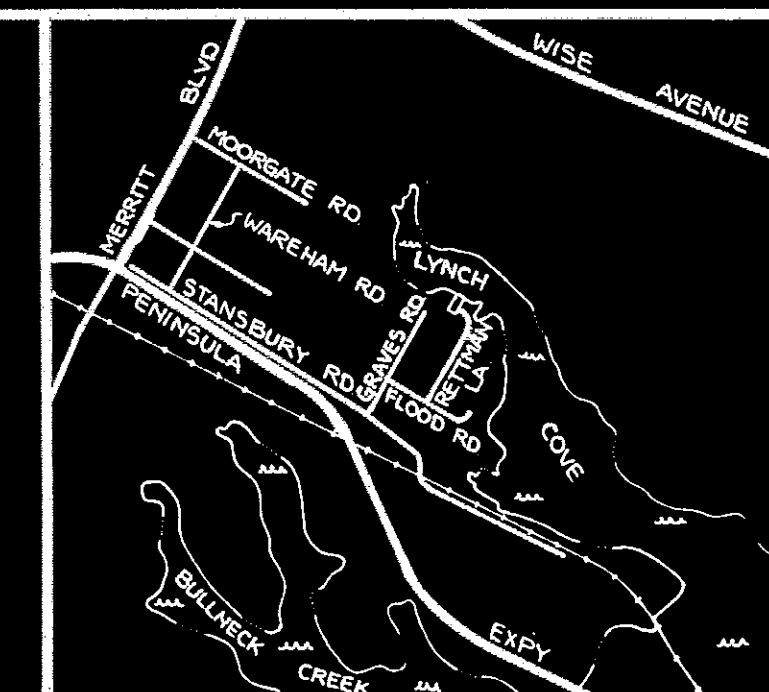
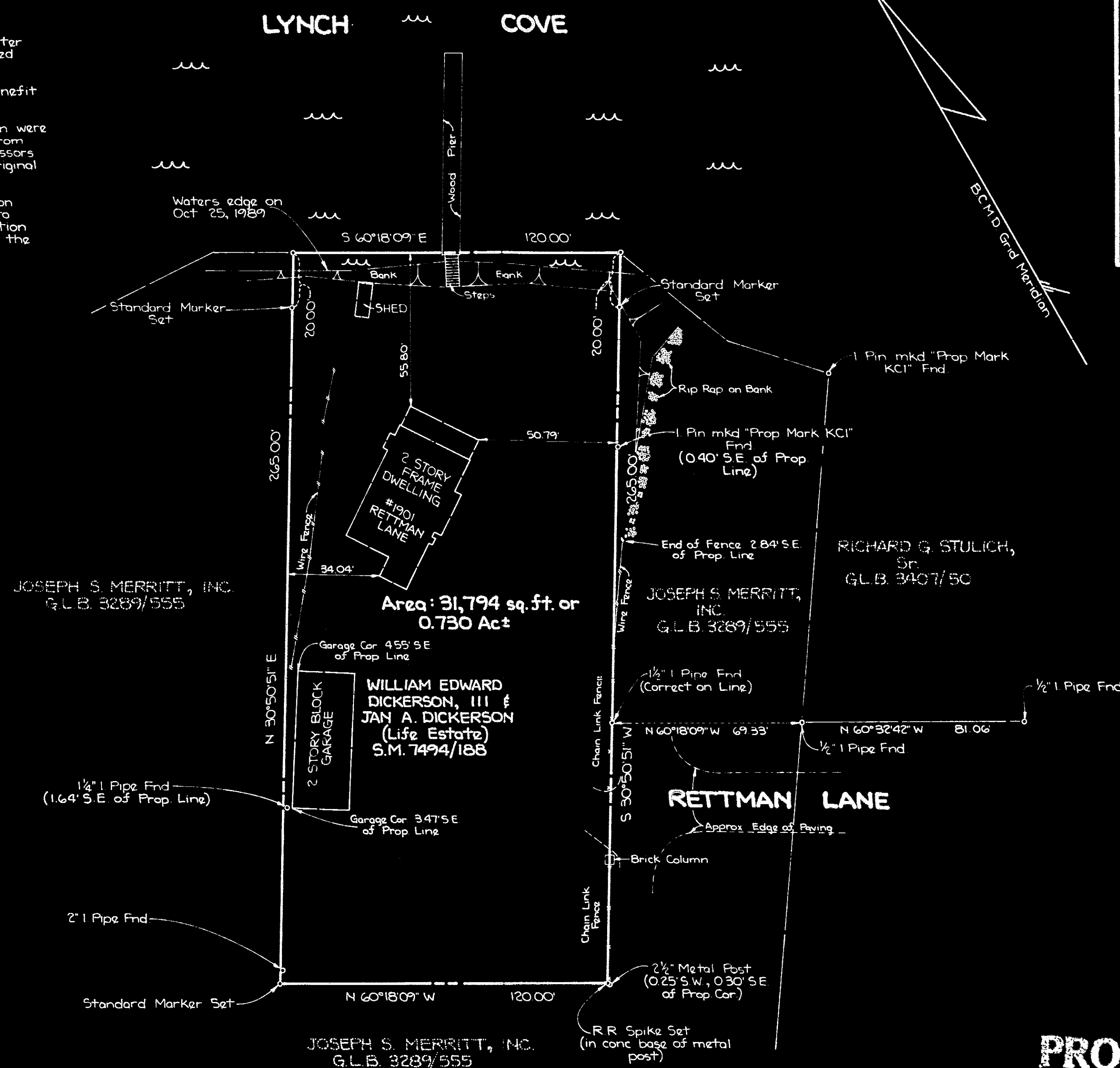
BALTIMORE COUNTY OFFICE OF PLANNING AND ZONING OFFICIAL ZONING MAP

SCALE 1" = 200' ±	LOCATION DUNDALK	SHEET SE 4-F
DATE OF PHOTOGRAPHY JANUARY 1986		

THIS MAP HAS BEEN REVISED IN SELECTED AREAS.
 TOPOGRAPHY COMPILED BY PHOTOGRAMMETRIC METHODS
 BY BUCHART-HORN, INC. BALTIMORE, MD. 21210

NOTES

- 1) "Standard Marker Set" - denotes a 3/8" diameter iron pin with a 1 1/2" yellow plastic cap marked "PROPERTY MARK S.J.M. C. 116" set.
- 2) This survey was conducted without the benefit of a title report.
- 3) The boundaries of the parcel shown hereon were established, in part, from data obtained from the office of Gerhard, Gross & Etzel, successors to the office of Fred H. Dollenberg, the original surveyor thereof.
- 4) The boundaries of the parcel shown hereon which bind on Lynch Cove are subject to change due to natural causes. The location shown hereon may or may not represent the actual limit of title.



PROTESTANT'S EXHIBIT 6

91-423 SPHA

BOUNDARY SURVEY PLAT

Property of
**WILLIAM EDWARD DICKERSON III
and JAN A. DICKERSON**

12th Election District
Baltimore County, Maryland

Scale: 1" = 30' October 27, 1989

CERTIFICATION

To: WILLIAM EDWARD DICKERSON and JAN A. DICKERSON

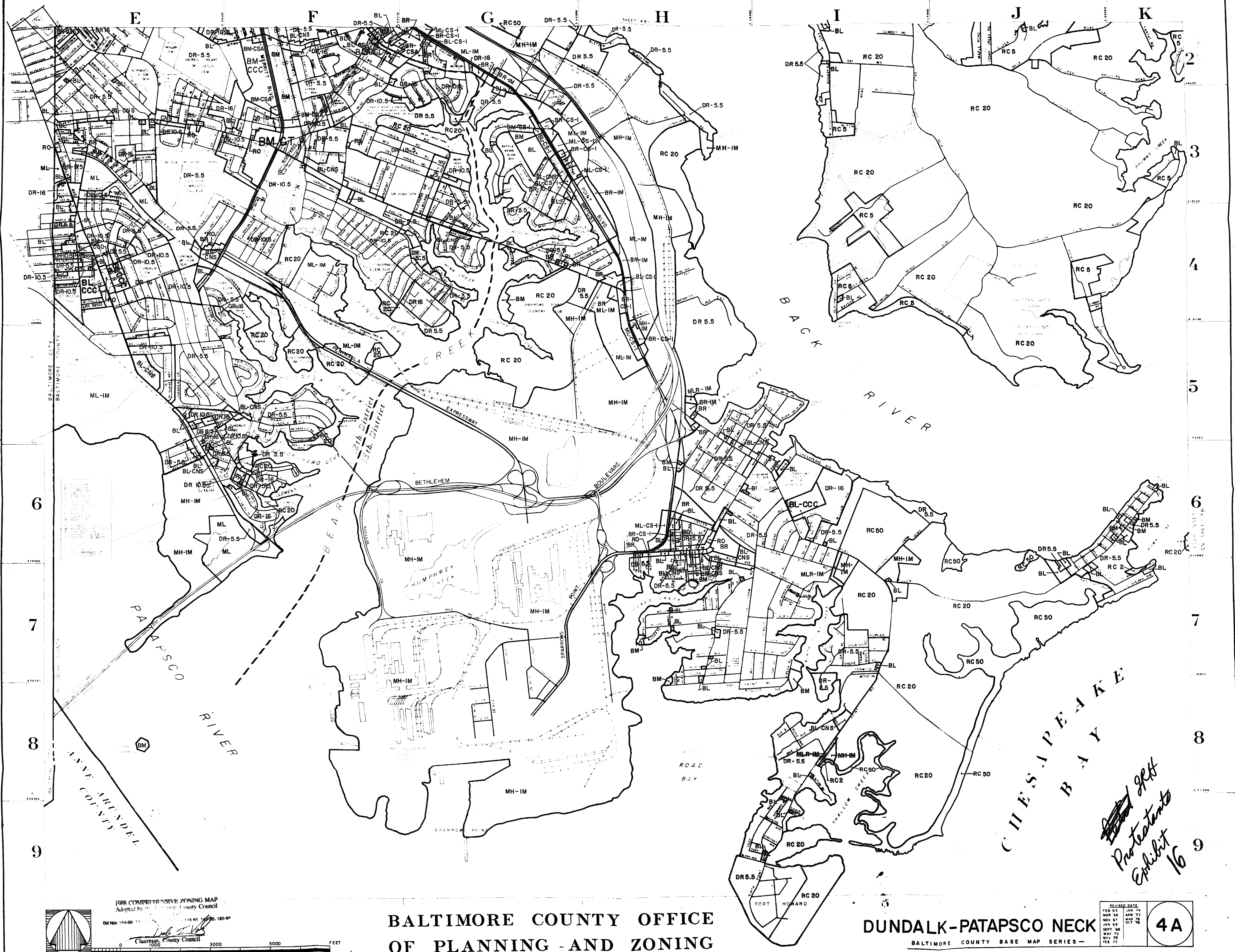
I hereby certify that as of October 27, 1989, a survey was made on the ground as per record description of the land shown hereon to the best of my professional knowledge, information and belief, the survey is correct, and there are no apparent encroachments either way across the property lines except as may be shown hereon.

Joel M. Lehninger Registered Property Line Surveyor No. 467

St. J. Martens & Co. Inc.
Land Surveyors
190 West Ostend Street
Baltimore, Maryland 21230
Telephone: (501) 539-4223



89066



*9th
Protectants
Exhibit
16*

IN THE MATTER OF * BEFORE THE
THE LEYDEN PROPERTY * ZONING COMMISSIONER OF
Petitioner * BALTIMORE COUNTY
* Case #: 97-423-SPHA

MEMORANDUM IN SUPPORT OF
PETITION FOR SPECIAL HEARING

Now comes, Francis T. Leyden, by his attorney, John V. Murphy, Esquire, who says:

1. That the entire area is zoned for manufacturing (ML-1M) including the Leyden and Dickerson properties.
2. That the fence erected is in full conformance with said manufacturing zoning (ML-1M).
3. That residential uses such as the Dickerson's home are not allowed in manufacturing zones (ML-1M) and such uses are illegal, or at best non-conforming.
4. That the living quarters for watchmen or caretakers and their families and accessory uses or building subsidiaries thereto are allowed by right as accessory uses in manufacturing zones (BCZR 253.1.F2) and are legal uses of the property.
5. The burden of proving a non-conforming use is on the claimant of this use, Calhoun v. County Bd. of Appeals of Baltimore County, 262 Md. 265, 277 A.2d 589 (1971).
6. That ordinances and regulations must be strictly construed in order to effectuate the purpose of eliminating non-conforming uses. Such non-conforming uses pose a formidable

threat to the success of zoning, limiting the effectiveness of land use controls, contributing blight, impend the success of the community plan and injure property values. The purpose of restrictions on non-conforming uses is to achieve the ultimate elimination of non-conforming uses through economic attrition and physical obsolescence. County Council of Prince George's County v. E.L. Gardner, Inc., 293 Md. 259, 443 A.2d 114 (1982).

7. That Section 427-Fence of the BCZR applies to residential occupancy fences and not industrial fences.
8. That the section to be lowered per the Zoning Office is located on the side yard of the Dickerson's property and therefore Section 427(A) or (B) do not apply.

John V. Murphy
JOHN V. MURPHY, ESQUIRE
14 North Rolling Road
Catonsville, Maryland 21228
(301) 744-4967
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 26 day of June, 1991, that a copy of the foregoing Memorandum in Support of Petition for Special Hearing was hand delivered to Michael P. Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, Maryland 21204, Attorney for the Dickersons.

John V. Murphy
John V. Murphy, Esquire

LAW OFFICES OF
JOHN V. MURPHY
14 NORTH ROLLING ROAD
CATONSVILLE, MARYLAND 21228
(301) 744-4967

IN THE MATTER OF * BEFORE THE
THE LEYDEN PROPERTY * BOARD OF APPEALS
Petitioner * BALTIMORE COUNTY
* Case #: 91-423-SPHA

MEMORANDUM IN SUPPORT OF
PETITION FOR SPECIAL HEARING

Now comes, Francis T. Leyden, by his attorney, John V. Murphy, Esquire, who says:

1. That the entire area is zoned for manufacturing (ML-1M) including the Leyden and Dickerson properties.
2. That the fence erected is in full conformance with said manufacturing zoning (ML-1M).
3. That residential uses such as the Dickerson's home are not allowed in manufacturing zones (ML-1M) and such uses are illegal, or at best non-conforming.
4. That the living quarters for watchmen or caretakers and their families and accessory uses or building subsidiaries thereto are allowed by right as accessory uses in manufacturing zones (BCZR 253.1.F2) and are legal uses of the property.
5. The burden of proving a non-conforming use is on the claimant of this use, Calhoun v. County Bd. of Appeals of Baltimore County, 262 Md. 265, 277 A.2d 589 (1971).
6. That ordinances and regulations must be strictly construed in order to effectuate the purpose of eliminating non-conforming uses. Such non-conforming uses pose a formidable

threat to the success of zoning, limiting the effectiveness of land use controls, contributing blight, impend the success of the community plan and injure property values. The purpose of restrictions on non-conforming uses is to achieve the ultimate elimination of non-conforming uses through economic attrition and physical obsolescence. County Council of Prince George's County v. E.L. Gardner, Inc., 293 Md. 259, 443 A.2d 114 (1982).

7. That Section 427-Fence, of the BCZR applies to residential occupancy fences and that the fence erected is not a residential occupancy fence but rather an industrial fences.
8. That the section of the fence in question is located on the side yard of the Dickerson's property, not their front yard, and therefore Section 427(A) or (B) do not apply.
9. In the alternative, that the variance to Section 427, be granted to allow a fence of 72 inches instead of 42 inches.
10. In the alternative, to find that the existing fence complies with the requirements of the Critical Bay Area legislation Section 307.1, 307.2 and 500.14 of BCZR.

John V. Murphy
JOHN V. MURPHY, ESQUIRE
14 North Rolling Road
Catonsville, Maryland 21228
(410) 744-4967
Attorney for Petitioner

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 17 day of June, 1992, that a copy of the foregoing Memorandum in Support of Petition for Special Hearing was hand delivered to Michael P.

Tanczyn, Esquire, Suite 106, 606 Baltimore Avenue, Towson, Maryland 21204, Attorney for the Dickersons.

John V. Murphy
John V. Murphy, Esquire

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE - 100' W of * ZONING COMMISSIONER
the end of Rettman Lane, * OF BALTIMORE COUNTY
1,028.62' NW of Flood Road
(1903 Rettman Lane)
12th Election District
7th Councilmanic District * Case No. 91-423-SPHA
Francis T. Leyden *
Petitioner * * * * *

AMENDED ORDER

WHEREAS, the Petitioner herein requested a special hearing to approve an existing 72-inch high fence and a finding that Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) does not apply to the subject fence; and a variance from Section 427.B to permit a 0-foot setback for an existing residential occupancy fence with a height of 72 inches in lieu of the permitted 42 inches, in accordance with evidence submitted as Petitioner's Exhibits 1, 4 and 5;

WHEREAS, by Order issued July 16, 1991, the relief requested was granted in part and denied in part;

WHEREAS, subsequent to the issuance of said Order, it was brought to the attention of the Zoning Commissioner that there were two typographical errors in the Order which should be corrected;

WHEREAS, a review of the Order revealed that the Petitioner's name was cited incorrectly on Page 2, and the reduced fence height was incorrectly cited on Page 5;

IT IS ORDERED by the Zoning Commissioner for Baltimore County this 17th day of July, 1991 that the Order issued July 16, 1991 be and the same is hereby AMENDED as follows:

ORDER RECEIVED FOR FILING
Date July 17
By [Signature]

- 1) Page 2, Line 24: "Mr. Miles" should read Mr. Leyden;
 - 2) Page 5, Line 16: The correct reduced fence height is 48-inches, not 40 inches stated.
- IT IS FURTHER ORDERED that all other terms and conditions of the Order issued July 16, 1991 shall remain in full force and effect.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: John V. Murphy, Esquire
14 N. Rolling Road, Baltimore, Md. 21228

Mr. & Mrs. William E. Dickerson
1901 Rettman Lane, Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission
Tawes State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

ORDER RECEIVED FOR FILING
Date July 17
By [Signature]

IN RE: PETITIONS FOR SPECIAL HEARING * BEFORE THE
AND ZONING VARIANCE - 100' W of * ZONING COMMISSIONER
the end of Rettman Lane, * OF BALTIMORE COUNTY
1,028.62' NW of Flood Road
(1903 Rettman Lane)
12th Election District
7th Councilmanic District * Case No. 91-423-SPHA
Francis T. Leyden *
Petitioner * * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a special hearing to approve an existing 72-inch high fence and for a finding that Section 427 of the Baltimore County Zoning Regulations (B.C.Z.R.) does not apply to the subject fence; and a variance from Section 427.B to permit a 0-foot setback for an existing residential occupancy fence with a height of 72 inches in lieu of the permitted 42 inches, in accordance with Petitioner's Exhibits 1, 4 and 5.

The Petitioner appeared, testified and was represented by John V. Murphy, Esquire. Appearing as Protestants in the matter were William E. and Jan A. Dickerson, represented by Michael B. Tanczyn, Esquire.

Testimony indicated that the subject property, known as 1903 Rettman Lane, consists of 2.0 acres more or less zoned M.L.-I.M. and is improved with a one-story frame dwelling and the subject fence as depicted on Petitioner's Exhibit 1. Said property is located within the Chesapeake Bay Critical Areas on Lynch Cove. The proffered testimony indicated that Petitioner owns a total of approximately 25 acres which supports his recycling business and the subject dwelling. Petitioner testified that his son currently resides in the home and assists with the recycling business. Mr. Leyden testified that the subject fence was erected for security purposes to discourage trespassers, dirtbikes, vandals, etc. from entering

ORDER RECEIVED FOR FILING
Date July 17
By [Signature]

his property. Petitioner received a stop work order after substantially completing the subject wood privacy fence and was advised to file the instant Petitions.

Petitioner argued that Section 427 of the B.C.Z.R. does not apply to the instant case because the property is commercially zoned and Section 427 applies only to residentially zoned property. The Zoning Commissioner does not agree. Section 427 (A) reads as follows:

"A residential occupancy fence may not be erected in the rear or side yard of a lot which adjoins the front yard of another on which a residence has been built, except in accordance with the provisions of this Section."

Said Section clearly does not require that the property be zoned residential, but merely be used for residential purposes. The testimony and pictorial evidence in this case clearly indicate that both properties are being used for residential purposes. In view of the above, the relief requested, pursuant to the Petition for Special Hearing, must be denied.

Petitioner's Exhibit 7, which is a copy of the September 12, 1988, Baltimore County building permit, does not indicate it to be a fence permit for residential property. However, the Petitioner claims at the hearing that the small parcel of land this case concerns is his son's home. Likewise, Petitioner's Exhibit 6, which is a copy of an April 17, 1990 building permit for a fence claims on its face the use is commercial when Mr. Miles admits the fence in question protects his son's back yard.

William and Jan Dickerson appeared and testified as Protestants. The Dickersons own the adjoining property at 1901 Rettman Lane. The Dickersons concurred in their testimony, indicating that their primary objection to the fence is that it blocks their view of Lynch Cove. The Protestants introduced Exhibits 7 through 15 which depict their before and

- 2 -

after view of Lynch Cove subsequent to the erection of the subject fence. The Protestants also testified that the fence, in numerous places, exceeds the 8-foot height permitted pursuant to Petitioner's building permit, identified herein as Petitioner's Exhibit 6.

After due consideration of the testimony and evidence presented, in the opinion of the Zoning Commissioner, the relief requested, as herein-after modified, sufficiently complies with the requirements of Sections 307.1, 307.2 and 500.14 of the Baltimore County Zoning Regulations (B.C.Z.R.) and should therefore be granted. There is no evidence in the record that the subject variance, as modified, would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

The facts and evidence presented tend to establish that special conditions or circumstances exist which are peculiar to the land or structures located within the Chesapeake Bay Critical Areas of Baltimore County; that to deny the relief requested would result in practical difficulty, unreasonable hardship, or severe economic hardship upon the Petitioner; and that strict compliance with the Chesapeake Bay Critical Area requirements and the B.C.Z.R. would deprive the Petitioner of rights commonly enjoyed by other properties in similar areas within the Chesapeake Bay Critical Areas in Baltimore County. The granting of the relief requested will not confer upon the Petitioner any special privilege that would be denied by the critical area regulations to other lands or structures within the Chesapeake Bay Critical Areas. Clearly, the request is not based upon conditions or circumstances which are the result of the Petitioner's actions, nor does the request arise from a condition relating to land or

- 3 -

building use, either permitted or non-conforming, on another property. The relief requested is in harmony with the general spirit and intent of the Critical Areas legislation for Baltimore County and conforms to the requirements as set forth in Section 500.14 of the B.C.Z.R.

The subject property is located within the Chesapeake Bay Critical Areas and must therefore comply with the requirements submitted by the Department of Environmental Protection and Resource Management upon completion of their findings.

It is clear from the testimony that if the variance is granted, as hereinafter modified, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare. The Protestants' primary concern is maintaining their unobstructed view of Lynch Cove. However, it is clear that based upon the testimony and evidence presented, Petitioner would suffer an undue hardship and practical difficulty if the requested variance relief were denied in its entirety. It appears that the following compromise will best address the relative concerns of both parties. The Petitioner, as a condition of this Order, shall reduce the height of the subject fence between Lynch Cove and the Surveyor's Marker indicated on Protestant's Exhibit 6 as the No. 1 Pin mkd "Prop Mark KCI" Fnd (0.40' S.E. of Prop. Line) to 48 inches which will protect the Protestants' unfettered view of Lynch Cove and at the same time provide a degree of security for the Petitioner's property. The Protestants' are obviously not concerned with viewing Petitioner's rear yard southwest of the subject marker. Therefore, Petitioner may maintain a wood privacy fence with a maximum height of 72 inches from the subject marker to Rettman Lane.

- 4 -

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons given above, the Petition for Special Hearing shall be denied and the Petition for Zoning Variance shall be granted in part and denied in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 16th day of July, 1991 that the Petition for Special Hearing to approve an existing fence of 72-inches in height and a finding that Section 427.B does not apply to said fence, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a residential occupancy fence with a 0-foot setback be and is hereby GRANTED; and

IT IS FURTHER ORDERED that the Petition for Zoning Variance to permit a 72-inch high wooden fence from the Surveyor's Marker, indicated on Protestant's Exhibit 6 as the No. 1 Pin mkd "Prop Mark KCI" Fnd (0.40' S.E. of Prop. Line) to Lynch Cove, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that Petitioner may maintain a 40-inch wooden fence from the Surveyor's Marker indicated on Protestant's Exhibit No. 6 as the No. 1 Pin mkd "Prop Mark KCI" Fnd (0.40' S.E. of Prop. Line) to Lynch Cove; and,

IT IS FURTHER ORDERED that the Petition for Zoning Variance to maintain a 72-inch high wooden fence from the Surveyor's Marker indicated on Protestant's Exhibit 6 as the No. 1 Pin mkd "Prop Mark KCI" Fnd (0.40' S.E. of Prop. Line) to Rettman Lane, be and is hereby GRANTED, in accordance with Petitioner's Exhibit 6 appended hereto, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order;

- 5 -

however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2) The Petitioner shall reduce the height of the subject fence to 48-inches between the Surveyor's Marker indicated on Protestant's Exhibit 6 as the No. 1 Pin mkd "Prop Mark KCI" Fnd (0.40' S.E. of Prop. Line) and Lynch Cove on or before September 15, 1991.

JRH:bjs

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204

887-3353

July 16, 1991

John V. Murphy, Esquire
14 N. Rolling Road
Baltimore, Maryland 21228

RE: PETITIONS FOR SPECIAL HEARING AND ZONING VARIANCE
100' W of the end of Rettman Lane, 1,028.62' NW of Flood Road
(1903 Rettman Lane)
12th Election District - 7th Councilmanic District
Francis T. Leyden - Petitioner
Case No. 91-423-SPHA

Dear Mr. Murphy:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Special Hearing has been denied and the Petition for Zoning Variance has been granted in part and denied in part in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: Mr. & Mrs. William E. Dickerson
1901 Rettman Lane, Baltimore, Md. 21222

Chesapeake Bay Critical Areas Commission
Taves State Office Building, D-4, Annapolis, Md. 21404

DEPRM

People's Counsel

File

- 6 -

PETITION FOR SPECIAL HEARING

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-423-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Hearing under Section 500.7 of the Baltimore County Zoning Regulations, to determine whether or not the Zoning Commissioner and/or Deputy Zoning Commissioner should approve

A fence 72 inches in height and that Section 427.B does not apply.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Special Hearing advertising, posting, etc., upon filing of this Petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

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City and State

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-423-SPHA

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 427.B to allow a residential occupancy fence with an

0 ft. setback with a height of 72 inches in lieu of the permitted 42 inches.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

Fence is existing and would cause difficulty and hardship to reduce height.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City and State

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

City and State

Attorney's Telephone No.:

Address

City and State

Attorney's Telephone No.:

Address

City and State

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Attorney's Telephone No.:

Address

City and State

ORDERED By The Zoning Commissioner of Baltimore County, this 16th day of July, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 26th day of June, 1991, at 2 o'clock

may 91

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may 91

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may 91

91-423-SPHA

DESCRIPTION

Beginning at a point approximately 100 feet from the end of existing paving of Retman Lane and extending on line S 30° 47'00" W in northeasterly direction for a total distance of 120 feet, said fence marking the division of Dickerson property (Liber 6402 page 269) and Leyden property (Liber 3289 page 555). Also known as 1901 and 1903 Retman Lane respectively and located in the 12th Election District.

LEYDEN PROPERTY DESCRIPTION

BEGINNING FOR THE FIRST at the end of the first lot south fifty-five degrees east seventy-five feet line of the parcel of land described in the deed dated March 14, 1891 and recorded among the Land Records of Baltimore County in Liber JMS No. 187, folio 267 was conveyed by Ellen Jane Merritt, et al, to Ella V. Dorsett, thence running with and binding on the first or south fifty-five degrees ten minutes east fifteen hundred twenty-eight foot line of the parcel of land which by deed dated October 25, 1887 and recorded among the Land Records of Baltimore County in Liber JMS No. 165, folio 436 was conveyed by George B. Dorsett and wife to Ellen Jane Dorsett (now Merritt) as now surveyed; south fifty-two degrees twelve minutes east two hundred feet; thence leaving said first line and running for lines of division the four following courses and distances, to wit: - north thirty-nine degrees fifty-eight minutes east seven hundred feet, south fifty-two degrees twelve minutes east seven hundred forty-two and forty-four one-hundredths feet, north thirty-seven degrees forty-eight minutes east seven hundred thirty and five one-hundredths feet, and south fifty-three degrees twenty-three minutes east one hundred seventy-nine feet to the water of Bear Creek, thence running with and binding on the water of Bear Creek the eighteen following courses and distances to wit: north thirty-three degrees forty-five minutes east one hundred feet, north twenty-six degrees no minutes east fifty feet, north seven degrees forty-five minutes east twenty-five feet, north seventy-five degrees thirty minutes west fifty feet, north sixty-nine degrees thirty minutes west fifty feet, north thirty-five degrees no minutes west fifty feet, north fourteen degrees no minutes west fifty feet, north fifty-three degrees no minutes west fifty feet, north seventy-nine degrees forty minutes west fifty feet, south seventy-seven degrees no minutes west fifty feet, south forty-eight degrees fifty minutes west fifty feet, north eighty-six degrees fifty minutes west seventy-five feet, north eighty degrees ten minutes west one hundred feet, north forty-eight degrees twenty minutes west one hundred feet, north thirty-three degrees twenty minutes west fifty feet, north forty-five degrees forty-five minutes west one hundred fifty feet, north twenty-two degrees no minutes west fifty feet, north two degrees twenty minutes west one hundred feet to the end of the third line described in the aforesaid deed from Merritt to Dorsett, thence binding reversely on said third line and on the second line of said deed south forty-four degrees forty-three minutes west six hundred forty feet and south thirty-nine degrees fifty-eight minutes west nine hundred three feet to the place of beginning. Containing twenty acres of land, more or less.

BEGINNING FOR THE SECOND on the northwest corner of Retman Lane, 40 feet wide, at a point distance North 37 degrees 48 minutes East 325 feet measured along the northwest side of said lane from the corner formed by the intersection of the northwest side of Retman Lane with the northeast side of Flood Road, 40 feet wide, said place of beginning also being at the end of the first line of a parcel of land which by a deed dated October 28, 1952 and recorded among the Land Records of Baltimore County in Liber GLB No. 2196, folio 141, was conveyed by Eliza C. Merritt, unmarried, to the said O. Huffman and wife, and running thence and binding on the northwest side of Retman Lane the three following courses and distances viz: North 37 degrees 48 minutes East 60.37 feet, North 36 degrees 18 minutes East 288.75 feet and North 35 degrees East 114.5 feet more or less to the beginning of the sixth line of a parcel of land which by a deed dated April 6, 1949 and recorded among the Land Records of Baltimore County in Liber JMS No. 1641, folio 520 was leased by Eliza C. Merritt to Ralph N. Crawford and wife, thence leaving said lane and running with and binding on said sixth line North 49 degrees 21 minutes West 150.25 feet to intersect the fourth line of a parcel of land which by a deed dated July 8, 1929 and recorded among the Land Records of Baltimore County in Liber LAMN No. 822, folio 281 was conveyed by Ellen Jane Merritt, widow, to Joseph S. Merritt and wife, thence binding reversely on a part of said fourth line South 37 degrees 48 minutes West 471.1 feet more or less to the end of the second line of the aforesaid parcel of land which was conveyed by Merritt to Huffman and thence binding reversely on said second line South 52 degrees 12 minutes East 163.68 feet to the place of beginning. Containing 1.70 acres of land, more or less.

SAVING AND EXCEPTING the following lots heretofore conveyed by Joseph S. Merritt and Helen L. Merritt, his wife, and Joseph S. Merritt, Inc.:

1. Deed dated June 22, 1933 and recorded among the Land Records of Baltimore County in Liber LAMN No. 912, folio 167 to James W. Reed and Wife, containing .73 acres of land, more or less.

2. Confirmatory Lease dated April 6, 1948 and recorded among the said Land Records in Liber TBS No. 1641, folio 218 to Ralph Crawford and Wife, containing .24 acre of land, more or less; see also deed dated October 11, 1957 and recorded among the Land Records aforesaid in Liber GLB No. 3247, folio 513 merging the leasehold into the fee and extinguishing the rent created by the aforesaid lease.

3. Deed dated August 25, 1958 and recorded among the Land Records in Liber GLB No. 3407, folio 547 to William H. Martin and Lillie E. Martin, his wife.

BEING THE SAME lots of ground which by deed dated December 11, 1907 and recorded among the Land Records of Baltimore County in Liber GLB No. 3289, folio 555 were granted and conveyed by Joseph S. Merritt and Helen L. Merritt, his wife, to Joseph S. Merritt, Inc.

And, in addition thereto, the bed of a fifty foot road, described in a deed from Eliza C. Merritt to Joseph S. Merritt, Inc., dated May 22, 1968, recorded in Liber OTG No. 4891, folio 150 among the Land Records of Baltimore County, Maryland, containing 0.254 acres of land, more or less.

91-423-SPHA

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 6/1/91
Posted for: Francis T. Leyden
Petitioner: Francis T. Leyden
Location of property: 100' W of end of Retman Lane, 1028.62' NW of Flood Road
Location of Sign: Retman Lane, near 15th Floor Roadway, etc.
Remarks: Refer to 91-423-SPHA
Posted by: [Signature] Date of return: 6/1/91
Number of Signs: 4

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 12th Date of Posting: 6/1/91
Posted for: Francis T. Leyden
Petitioner: Francis T. Leyden
Location of property: 100' W of end of Retman Lane, 1028.62' NW of Flood Road
Location of Sign: Retman Lane, near 15th Floor Roadway, etc.
Remarks: Refer to 91-423-SPHA
Posted by: [Signature] Date of return: 6/1/91
Number of Signs: 4

CERTIFICATE OF PUBLICATION

OFFICE OF
Dundalk Eagle

4 N. Center Place
P.O. Box 8936
Dundalk, Md. 21222 May 30, 1991

THIS IS TO CERTIFY, that the annexed advertisement of Baltimore County Zoning Office - Notice of Hearing - Case #91-423-SPHA - P.O. #0112801 - Reg. #M52851 - 61 lines @ \$30.50 was inserted in The Dundalk Eagle a weekly newspaper published in Baltimore County, Maryland, once a week for One successive weeks before the 31st day of May 1991; that is to say, the same was inserted in the issues of May 30, 1991.

Kimbel Publication, Inc.
per Publisher.

By [Signature]

CERTIFICATE OF PUBLICATION

TOWSON, MD. May 31, 1991

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on May 31, 1991.

THE JEFFERSONIAN,

S. Zeke Olson
Publisher

336 - 337.52

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Case Number: 91-423-SPHA
100' W of end of Retman Lane, 1028.62' NW of Flood Road
12th Election District - 7th Councilmanic
Petitioner(s): Francis T. Leyden
Hearing Date: Wednesday, June 26, 1991 at 2:00 p.m.
Special Hearing: A fence 72 inch in height and that Section 427 does not apply. Variance to allow a residential occupancy fence with a 0.6 setback with a height of 72 inches in lieu of the permitted 42 inches.

J. ROBERT HAINES
Zoning Commissioner of Baltimore County

5/30 May 30

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

DATE: 6/1/91

Francis T. Leyden
1903 Retman Lane
Baltimore, Maryland 21223

RE:
Case Number: 91-423-SPHA
100' W of end of Retman Lane, 1028.62' NW of Flood Road
12th Election District - 7th Councilmanic
Petitioner(s): Francis T. Leyden
HEARING: WEDNESDAY, JUNE 26, 1991 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$118.02 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER
BALTIMORE COUNTY, MARYLAND

cc: John V. Murphy, Esq.

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning

111 West Chesapeake Avenue
Towson, MD 21204 887-3353

May 17, 1991

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

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12th Election District - 7th Councilmanic
Petitioner(s): Francis T. Leyden
HEARING: WEDNESDAY, JUNE 26, 1991 at 2:00 p.m.

Special Hearing: A fence 72 inch in height and that Section 427 does not apply. Variance to allow a residential occupancy fence with an 0.6 ft. setback with a height of 72 inches in lieu of the permitted 42 inches.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of Baltimore County

cc: Francis T. Leyden
John V. Murphy, Esq.

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

4/19/91 H9100402

	QTY	PRICE
PUBLIC HEARING FEES		
010 - ZONING VARIANCE (IRL)	1 X	\$35.00
040 - SPECIAL HEARING (OTHER)	1 X	\$175.00
TOTAL		\$210.00

LAST NAME OF OWNER: LEYDEN

Please Make Checks Payable To: Baltimore County
0440400741CHRC
01010121AM04-19-91 \$210.00

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

Please Make Checks Payable To: Baltimore County
0440400741CHRC
01010121AM04-19-91 \$15.00

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

receipt

91-423-SPHA

Account: R-001-6150
Number

Please Make Checks Payable To: Baltimore County \$275.00
BA 0003:31PM09-05-91

Cashier Validation